

U.S. Walerko
Pleadings

Carroll

EPA Region 5 Records Ctr.



279353

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

UNITED STATES OF AMERICA,)

Plaintiff;)

vs.)

CASE NO. S91-00411M

WALERKO TOOL &
ENGINEERING CORPORATION,)

Defendant.)

WALERKO TOOL & ENGINEERING CORPORATION'S RESPONSES
TO THE REQUESTS FOR ADMISSIONS FROM THE
UNITED STATES OF AMERICA

In accordance with Rules 26 and 36 of the Federal Rules of Civil Procedure and pursuant to the Court's ruling on December 11, 1991, regarding the acceptance of Defendant Walerko Tool & Engineering Corporation's Proposed Schedule of Discovery filed on December 9, 1991, Defendant Walerko Tool & Engineering Corporation ("Walerko") responds as follows to Plaintiff's Requests for Admissions to Walerko:

REQUESTS FOR ADMISSIONS

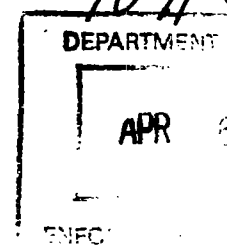
1. Walerko's shareholders are Edward F. Walerko, Leanna Walerko, Thomas Walerko and Edward M. Walerko.

RESPONSE: Admit.

2. Edward F. Walerko is an officer of Walerko.

RESPONSE: Admit.

3. Leanna Walerko is an officer of Walerko.



RESPONSE: Admit.

4. Thomas Walerko is an officer of Walerko.

RESPONSE: Admit.

5. Edward M. Walerko is an officer of Walerko.

RESPONSE: Admit.

6. Walerko has owned and operated a Facility (as defined in CERCLA section 101(9), 42 U.S.C. § 9601(9)), at the Site.

RESPONSE: Admit.

7. Walerko conducted manufacturing operations at the Facility.

RESPONSE: Admit.

8. Walerko has operated the Facility from at least May 1971 to the present.

RESPONSE: Admit.

9. The map appearing as Exhibit 1 hereto accurately reflects (at the point designated "A" on the map) the geographic location of the Facility.

RESPONSE: Admit.

10. The Facility is geographically located within the Site boundaries as defined above in Definition 15 above.

RESPONSE: Admit.

11. At various times during Walerko's ownership or operation of the Facility, hazardous substances were stored at the Facility.

RESPONSE: Admit.

12. At various times during Walerko's ownership or operation of the Facility, hazardous substances were used in Walerko's operations at the Facility.

RESPONSE: Admit.

13. At various time during Walerko's ownership or operation of the Facility, hazardous substances were disposed of at the Facility.

RESPONSE: Deny.

14. At various times during Walerko's ownership or operation of the Facility, the following substances were stored, used or disposed of at the Facility:

- (a) TCA
- (b) methyl ethyl ketone
- (c) isopropyl alcohol
- (d) TCE

RESPONSE:

- (a) Admit.
- (b) Admit.
- (c) Admit.
- (d) Deny.

15. In 1987, TCE and TCA were detected in samples taken from a drinking well at the Facility.

RESPONSE: Admit.

16. TCE is a hazardous substance.

RESPONSE: Admit.

17. TCA is a hazardous substance.

RESPONSE: Admit.

18. Exhibit 2 attached hereto is a true and accurate copy of a 1987 letter from EIS Environmental Engineers, Inc. to Walerko indicating the presence of volatile organic compounds ("VOCs"), including TCE and TCA, in water samples taken from a well on Walerko's property.

RESPONSE: Admit.

19. Exhibit 3 attached hereto is a true and accurate copy of a 1988 letter from ~~EPA to Walerko indicating the presence of VOCs in water samples taken from a well on~~ Walerko's property.

RESPONSE: Admit.

20. There is a reasonable basis to believe that there has been a release of TCA or TCE or a substantial threat of a release of TCA or TCE at or from the Facility.

RESPONSE: Deny.

21. Exhibit 4 hereto is a true and accurate copy of an August 23, 1989, letter from EPA to Walerko requesting reimbursement from Walerko of response costs expended by EPA to address contamination at the Site.

RESPONSE: Admit.

22. Walerko has not reimbursed EPA for any of EPA's response costs incurred at the Site.

RESPONSE: Admit.

23. Walerko received information requests from EPA on March 26, May 21 and December 28, 1990.

RESPONSE: Admit.

24. Exhibits 5.1, 5.2, and 5.3 hereto are true and accurate copies of U.S. Certified Mail Return Receipts reflecting receipt by Walerko of the correspondence identified therein on March 26, 1990, May 21, 1990, and December 28, 1990, respectively.

RESPONSE: Admit.

25. Chris Ogar was employed by Walerko on March 26, 1990.

RESPONSE: Admit.

~~26. Marlene Yoder was employed by Walerko on May 21, 1990.~~

RESPONSE: Admit.

27. Chris Ogar was employed by Walerko on December 28, 1990.

RESPONSE: Admit.

28. Walerko failed to provide information or documents to EPA responsive to the March 1990 information request within thirty days of its receipt.

RESPONSE: Deny.

29. Walerko failed to provide information or documents to EPA responsive to the May 1990 information request within ten days of its receipt.

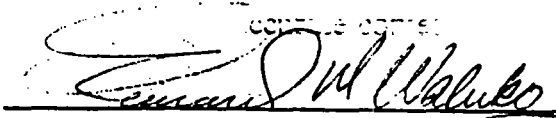
RESPONSE: Deny.

30. Walerko failed to provide information or documents to EPA responsive to the December 1990 information request within ten days of its receipt.

RESPONSE: Deny.

31. The Defendant is a "person" as that term is defined in Section 101(21) of CERCLA, 42 U.S.C. § 9601(21).

RESPONSE: Admit.


Edward M. Walerko, President *President*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 6th day of January, 1992, a true and complete copy of the above and foregoing pleading was served upon each party or attorney of record herein by depositing the same in the United States mails, first class postage prepaid.


Michael A. Metz